

**Lewis Roca Rothgerber Christie LLP**

201 East Washington Street, Suite 1200  
Phoenix, AZ 85004

**Mary Ellen Simonson** (State Bar No. 009298)  
Direct Dial: (602) 262-5317  
Direct Fax: (602) 734-3868  
Email: MSIMONSON@lrcc.com

**Laura Pasqualone** (State Bar No. 028360)  
Direct Dial: (602) 262-5362  
Direct Fax: (602) 734-3778  
Email: LPASQUALONE@lrcc.com

**Sara A. Begley** (Pro Hac Vice Application Anticipated)  
**William J. Delenay** (Pro Hac Vice Application Anticipated)  
**Dana E. Feinstein** (Pro Hac Vice Application Anticipated)  
HOLLAND & KNIGHT LLP  
Cira Centre, 2929 Arch Street, Suite 800  
Philadelphia, PA 19104  
Office: (215) 252-9566  
Email: sara.begley@hklaw.com  
Email: william.delenay@hklaw.com  
Email: dana.feinstein@hklaw.com

*Attorneys for Berkadia Commercial Mortgage, LLC*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF ARIZONA**

Cathy Ann Pierre, an individual,

Plaintiff,

v.

Berkadia Commercial Mortgage, LLC, a  
Delaware limited liability company; and  
JOHN or JANE DOES 1 through 10,  
inclusive,

Defendants.

No.

**NOTICE OF REMOVAL**

Defendant Berkadia Commercial Mortgage, LLC (“Berkadia”), by and through its undersigned counsel, Holland & Knight LLP, hereby files this Notice of Removal of Action to the United States District Court for the District of Arizona and states as follows:

1. On April 12, 2019, Plaintiff Cathy Ann Pierre (“Plaintiff”) commenced an action in the Superior Court of Maricopa County, Arizona by filing a Complaint (“Complaint”) entitled *Cathy Ann Pierre, an individual v. Berkadia Commercial Mortgage, LLC, a Delaware limited liability company; and JOHN or JANE DOES 1 through 10, inclusive, Defendants*, no. CV2019-091036. (Pursuant to LRCiv 3.6(b), Berkadia attests that a true and complete copy of Plaintiff’s Complaint is attached as

1 Exhibit A.) A summons was served on Berkadia on April 12, 2019. (Pursuant to LRCiv  
2 3.6(b), Berkadia attests that a true and complete copy of the summons is attached as  
3 Exhibit B.)

4 2. Plaintiff then filed a First Amended Complaint on June 10, 2019. (Pursuant  
5 to LRCiv 3.6(b), Berkadia attests that a true and complete copy of Plaintiff's First  
6 Amended Complaint is attached as Exhibit C.)

7 3. On June 19, 2019, Berkadia accepted service of summons of the filing of the  
8 First Amended Complaint. (Pursuant to LRCiv 3.6(b), Berkadia attests that a true and  
9 complete copy of the acceptance of service of summons is attached as Exhibit D). All  
10 other pleadings and documents filed with the state court are attached as Exhibit E. No  
11 other pleadings or documents are believed to have been filed in the state court.

12 4. Pursuant to LRCiv 3.6(a) and 28 U.S.C. § 1446(d), Berkadia affirmatively  
13 states that it filed a copy of this Notice of Removal with the Clerk of the Superior Court of  
14 Maricopa County, Arizona before filing it with this Court.

15 **THIS COURT HAS ORIGINAL JURISDICTION**

16 5. Plaintiff's First Amended Complaint seeks damages and declaratory relief  
17 against Berkadia for alleged wrongdoing in connection with Plaintiff's termination of  
18 employment under the following theories arising under federal law: race discrimination in  
19 violation of Title VII of the Civil Rights Act of 1964 ("Title VII"); disability  
20 discrimination in violation of the Americans with Disabilities Act ("ADA"); failure to  
21 accommodate in violation of the ADA; retaliation in violation of Title VII and the ADA;  
22 and violation of 42 U.S.C. § 1981. Plaintiff also asserts the following state law claims:  
23 race and disability discrimination and retaliation in violation of the Arizona Civil Rights  
24 Act; breach of contract; and breach of covenant of good faith and fair dealing.

25 6. The state court action brought in Plaintiff's First Amended Complaint is a  
26 removable civil action under 28 U.S.C. § 1441. The First Amended Complaint asserts  
27 numerous claims that raise questions under federal law. Thus, this Court has original  
28

1 jurisdiction over this action pursuant to 28 U.S.C. § 1331. The Court has jurisdiction over  
2 Plaintiff's remaining state law claims under 28 U.S.C. §§ 1367 and 1441(c). This action  
3 is removable to this Court pursuant to 28 U.S.C. § 1441(a) because this action could have  
4 been originally brought in this Court.

5 **ALL VALIDLY SERVED DEFENDANTS CONSENT TO REMOVAL**

6 7. As Defendants sued under fictitious names who have not been served,  
7 JOHN and JANE Does 1 through 10 do not need to join in or consent to this notice of  
8 removal. *See Destfino v. Reiswig*, 630 F. 3d 952, 957 (9th Cir. 2011).

9 8. In the alternative, should this Court find that the joinder or consent of any  
10 other Defendant(s) is necessary, Berkadia hereby requests an opportunity to obtain such  
11 joinder or consent. *See Destfino*, 630 F.3d at 956-57.

12 **PRAYER**

13 WHEREFORE, Defendant Berkadia respectfully requests that this action be  
14 removed to the United States District Court for the District of Arizona.

15 DATED this 19th day of July, 2019.

16 LEWIS ROCA ROTHGERBER CHRISTIE LLP

17  
18 By: /s/ Laura Pasqualone

19 Mary Ellen Simonson

20 Laura Pasqualone

21 Attorneys for Berkadia Commercial Mortgage,  
22 LLC  
23  
24  
25  
26  
27  
28